

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: _____/19

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JOHN DOE,Plaintiff designates
NEW YORK COUNTY
as place of trial.*Plaintiff,*

-against -

The basis of venue is
Defendant's principal
place of businessROMAN CATHOLIC ARCHDIOCESE OF NEW
YORK, ST. ANTHONY OF PADUA, ORDER OF
FRIARS MINOR, IMMACULATE CONCEPTION
PROVINCE OF THE ORDER OF FRIARS MINOR,SUMMONS*Defendants.*Plaintiff resides in
Maricopa County, Arizona-----X
To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, NEW YORK COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 19, 2019

MERSON LAW, PLLC

By: Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK
1011 1st Avenue,
New York, New York 10002

ST. ANTHONY OF PADUA
155 Sullivan Street,
New York, New York 10012

ORDER OF FRIARS MINOR,
129 W. 31st Street,
New York, New York 10001

IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR
125 Thompson Street,
New York, New York 10012

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: _____/19

-----X
JOHN DOE,*Plaintiff,*

-against -

**VERIFIED
COMPLAINT**ROMAN CATHOLIC ARCHDIOCESE OF NEW
YORK, ST. ANTHONY OF PADUA, ORDER OF
FRIARS MINOR, IMMACULATE CONCEPTION
PROVINCE OF THE ORDER OF FRIARS MINOR,*Defendants.*

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Plaintiff,¹ above named, complaining of the defendants, by **MERSON LAW, PLLC.**,
respectfully allege(s):

NATURE OF THE CLAIM

1. This is a case of plaintiff JOHN DOE who was sexually abused as a child by Father Linus Mangini ("Mangini") at and of St. Anthony of Padua School ("School"), St. Anthony's of Padua's Church ("St. Anthony"), Order of Friars Minor ("Order"), Immaculate Conception Province of the Order of Friars Minor ("Province") and Roman Catholic Archdiocese of New York ("Archdiocese").
2. Mangini was a priest with the Order and Province and an agent, servant and/or employee of St. Anthony of Padua School which operated under the exclusive control of the Archdiocese, St. Anthony, Order and Province. Mangini was known among the community and the children as a sexual predator.
3. Despite the Archdiocese, St. Anthony, Order and/or Province's knowledge that Mangini sexually abused children and/or had the propensity to sexually abuse children, the

¹ Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

Archdiocese, St. Anthony, Order and Province allowed Mangini unfettered access to children. Including on defendants' premises and property without supervision.

4. In or about 1962 to approximately 1963, Mangini, while under the scope of employment with the Archdiocese, St. Anthony, Order and Province and while acting on behalf of the Archdiocese, St. Anthony, Order and Province, would sexually abuse Plaintiff, by spanking Plaintiff with a wooden ruler, rub plaintiff's buttocks, forcing plaintiff to sit on his lap, squeezing plaintiff's buttocks, pulling down plaintiff's pants so that he would be only in his underwear, digitally penetrating plaintiff, fondling plaintiff's penis and otherwise sexually abusing plaintiff.
5. The sexual abuse occurred at St. Anthony's of Padua School and other venues.
6. Plaintiff brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Roman Catholic Archdiocese of New York, St. Anthony of Padua Church, Order of Friars Minor, and Immaculate Conception Province of the Order of Friars Minor and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

PARTIES

7. At all times herein mentioned defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** was located at 1011 1st Avenue, New York, New York 10002.
9. At all times herein mentioned, Mangini was an agent, servant and/or employee operating under the direction and control of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.

10. At all times herein mentioned defendant **ST. ANTHONY OF PADUA CHURCH** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
11. At all times herein mentioned, defendant **ST. ANTHONY OF PADUA CHURCH** was located at 155 Sullivan Street, New York, New York 10012.
12. At all times herein mentioned, Mangini was an agent, servant and/or employee operating under the direction and control of defendant **ST. ANTHONY OF PADUA CHURCH**, and its agents, servants and/or employees.
13. At all times herein mentioned, defendant **ST. ANTHONY OF PADUA CHURCH** and of St. Anthony of Padua School located on Sullivan Street in New York, New York were agents, employees, servants, and/or alter-egos of each other.
14. At all times herein mentioned, defendant **ST. ANTHONY OF PADUA CHURCH** owned, operated and/or controlled St. Anthony of Padua School located on Sullivan Street in New York, New York.
15. At all times herein mentioned defendant **ORDER OF FRIARS MINOR** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
16. At all times herein mentioned, defendant **ORDER OF FRIARS MINOR** was located at 129 W. 31st Street, New York, New York 10001.
17. At all times herein mentioned, Mangini was an agent, servant and/or employee operating under the direction and control of defendant **ORDER OF FRIARS MINOR**, and its agents, servants and/or employees.
18. At all times herein mentioned defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** was a not for profit corporation

incorporated in the state of New York and by virtue of the laws of the State of New York.

19. At all times herein mentioned, defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** was located at 125 Thompson Street, New York, New York 10012.
20. At all times herein mentioned, Mangini was an agent, servant and/or employee operating under the direction and control of defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR**, and its agents, servants and/or employees.
21. At all times herein mentioned, defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. ANTHONY OF PADUA CHURCH, IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and **ORDER OF FRIARS MINOR** were agents, servants, employees and/or alter egos of each other.
22. At all times herein mentioned defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. ANTHONY OF PADUA CHURCH, IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and **ORDER OF FRIARS MINOR** controlled, managed and/or operated St. Anthony of Padua School located on Sullivan Street in New York, New York.

FACTS OF THE CASE

23. Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. ANTHONY OF PADUA CHURCH, IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and **ORDER OF FRIARS MINOR's** negligence and recklessness caused Mangini to have access to children,

including on Diocese premise, despite their knowledge that Mangini sexually abused children, including on Archdiocese, St. Anthony, Order and Province premises and/or had the propensity to sexually abuse children and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. ANTHONY OF PADUA CHURCH, IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and **ORDER OF FRIARS MINOR**'s negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Mangini. Defendants' gross negligence, reckless, wanton, and/or willful conduct supports punitive liability.

24. Mangini sexually assaulted Plaintiff and many other children of St. Anthony. Nonetheless, defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. ANTHONY OF PADUA CHURCH, IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and **ORDER OF FRIARS MINOR** failed to remove Mangini from his position or to take any steps to keep the dangerous predator away from children. In fact, the Archdiocese, St. Anthony, Order and Province continued to allow, encourage and/or permit Mangini to have unfettered access to children, on defendants' premises without proper supervision.
25. At all times herein mentioned, Mangini was the choir director at St. Anthony of Padua School.
26. St. Anthony of Padua closed in or about 2005.
27. In or about 1962 and continuing until approximately 1963, Mangini would sexually abuse plaintiff, then eight years old. Mangini would force plaintiff to stay late after choir and molest plaintiff.

28. Mangini would spank plaintiff on the buttocks with a large wooden ruler and then rub and squeeze plaintiff's buttocks.
29. Mangini also forced plaintiff to sit on his lap, where he would pull down plaintiff's pants, fondle plaintiff's penis and digitally penetrate plaintiff.
30. Mangini used his position of power and authority provided to him by the Archdiocese, St. Anthony, Order and Province to sexually abuse plaintiff and other young students at St. Anthony of Padua School.
31. Mangini abused other young boys in addition to Plaintiff. Mangini was known throughout the school as being a sexual predator and sexually abusing children the way he did to Plaintiff.
32. As a result of the actions of Mangini, Plaintiff felt and continues to feel ashamed, embarrassed, and humiliated.
33. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. ANTHONY OF PADUA CHURCH, IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and **ORDER OF FRIARS MINOR's** negligence in undertaking a duty, including but not limited to in locis parentis, in failing to protect the children of its schools, parishes and of its community safe from Mangini, including on company premises, despite the Archdiocese, St. Anthony, Order and Province having knowledge that Mangini abused and/or sexually abused children and/or had the propensity to abuse and/or sexually abuse children, and/or allowing Mangini to continue to have his positions of authority and power, and the Diocese failed to adequately supervise Mangini, allowing unfettered access to children.

AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE
AS FOR THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK

34. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 33., inclusive, with the same force and effect as if hereinafter set forth at length.
35. At all times mentioned herein, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** owed a duty of care, including but not limited to in locis parentis, to keep the young students of its school safe, including plaintiff, from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Mangini.
36. At all times mentioned herein, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
37. As a result of the negligence of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
38. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
39. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

40. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
41. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE
AS FOR ST. ANTHONY OF PADUA

42. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 41., inclusive, with the same force and effect as if hereinafter set forth at length.
43. At all times mentioned herein, defendant **ST. ANTHONY OF PADUA** owed a duty of care, including but not limited to in locis parentis, to keep the young students of its school safe, including plaintiff, from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Mangini.
44. At all times mentioned herein, defendant **ST. ANTHONY OF PADUA** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
45. As a result of the negligence of defendant **ST. ANTHONY OF PADUA** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
46. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

47. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
48. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
49. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE
AS FOR ORDER OF FRIARS MINOR

50. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 49., inclusive, with the same force and effect as if hereinafter set forth at length.
51. At all times mentioned herein, defendant **ORDER OF FRIARS MINOR** owed a duty of care, including but not limited to in locis parentis, to keep the young students of its school safe, including plaintiff, from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Mangini.
52. At all times mentioned herein, defendant **ORDER OF FRIARS MINOR** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
53. As a result of the negligence of defendant **ORDER OF FRIARS MINOR** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

54. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
55. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
56. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
57. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENCE
AS FOR IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF
FRIARS MINOR

58. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 57., inclusive, with the same force and effect as if hereinafter set forth at length.
59. At all times mentioned herein, defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** owed a duty of care, including but not limited to in locis parentis, to keep the students of its school safe from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision including on company premises, and control that ultimately befell the plaintiff, and they had a duty to supervise Mangini.
60. At all times mentioned herein, defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
61. As a result of the negligence of defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and/or its agents, servants

and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

62. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
63. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
64. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
65. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

66. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 65., inclusive, with the same force and effect as if hereinafter set forth at length.
67. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** had a duty to supervise and prevent known risks of harm to the children of its schools by its agents, servants and/or employees including clergymen.
68. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Mangini, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of church and school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.

69. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** knew or should have known Mangini sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
70. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
71. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
72. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
73. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
74. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO ST. ANTHONY OF PADUA**

75. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 74., inclusive, with the same force and effect as if hereinafter set forth at length.
76. Defendant **ST. ANTHONY OF PADUA** had a duty to supervise and prevent known risks of harm to the children of its schools by its agents, servants and/or employees, including clergymen.
77. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Mangini, who was careless, unskillful, negligent, reckless and acted in a willful and

wanton manner in not possessing the requisite knowledge and skill of school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.

78. Defendant **ST. ANTHONY OF PADUA** knew or should have known Mangini sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
79. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
80. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
81. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
82. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
83. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO
ORDER OF FRIARS MINOR**

84. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 83., inclusive, with the same force and effect as if hereinafter set forth at length.

85. Defendant **ORDER OF FRIARS MINOR** had a duty to supervise and prevent known risks of harm to the children of its schools by its agents, servants and/or employees including clergymen.
86. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Mangini, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.
87. Defendant **ORDER OF FRIARS MINOR** knew or should have known Mangini sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
88. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
89. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
90. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
91. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
92. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO
IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR**

93. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 92., inclusive, with the same force and effect as if hereinafter set forth at length.
94. Defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** had a duty to supervise and prevent known risks of harm to the children of its schools by its agents, servants and/or employees including clergymen.
95. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Mangini, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.
96. Defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** knew or should have known Mangini sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
97. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
98. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

99. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
100. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
101. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE NINTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS AS TO
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

102. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 101., inclusive, with the same force and effect as if herein set forth at length.
103. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Mangini the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
104. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
105. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Mangini.
106. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Mangini sexually abusing Plaintiff.

107. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
108. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
109. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
110. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE TENTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS AS TO
ST. ANTHONY OF PADUA**

111. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 110., inclusive, with the same force and effect as if herein set forth at length.
112. Defendant **ST. ANTHONY OF PADUA** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Mangini, the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
113. Defendant **ST. ANTHONY OF PADUA** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
114. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Mangini.
115. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Mangini sexually abusing Plaintiff.

116. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
117. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
118. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
119. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE ELEVENTH CAUSE OF ACTION FOR NEGLIGENT
INFLICTION OF EMOTIONAL DISTRESS AS TO
ORDER OF FRIARS MINOR**

120. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 119., inclusive, with the same force and effect as if herein set forth at length.
121. Defendant **ORDER OF FRIARS MINOR** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Mangini the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
122. Defendant **ORDER OF FRIARS MINOR** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
123. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Mangini.
124. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Mangini sexually abusing Plaintiff.

125. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
126. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
127. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
128. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE TWELFTH CAUSE OF ACTION FOR NEGLIGENT
INFLICTION OF EMOTIONAL DISTRESS AS TO
IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR**

129. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 128., inclusive, with the same force and effect as if herein set forth at length.
130. Defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Mangini the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
131. Defendant **IMMACULATE CONCEPTION PROVINCE OF THE ORDER OF FRIARS MINOR** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
132. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Mangini.

133. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Mangini sexually abusing Plaintiff.
134. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
135. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
136. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
137. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 19, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorney for Plaintiff
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(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.:

_____/19

-----X
JOHN DOE,*Plaintiff,*

-against -

**ATTORNEY
VERIFICATION**ROMAN CATHOLIC ARCHDIOCESE OF NEW
YORK, ST. ANTHONY OF PADUA, ORDER OF
FRIARS MINOR, IMMACULATE CONCEPTION
PROVINCE OF THE ORDER OF FRIARS MINOR,*Defendants.*-----X
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York
State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiff in the
within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the
same is true to his own knowledge, except as to the matters therein stated to be alleged upon
information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in
the file.

That the reason this verification is made by affirmant and not by the plaintiff is that
the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 19, 2019

_____
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JOHN DOE,

Plaintiff,

-against -

ROMAN CATHOLIC ARCHDIOCESE OF NEW
YORK, ST. ANTHONY OF PADUA, ORDER
OF FRIARS MINOR, IMMACULATE CONCEPTION
PROVINCE OF THE ORDER OF FRIARS MINOR,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

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To: All Parties
